

**BOARD OF SELECTMEN
TOWN OF EAST WINDSOR
11 RYE STREET
EAST WINDSOR, CONNECTICUT 06088**

MINUTES OF REGULAR MEETING

Tuesday, May 1, 2012 at 7:00 p.m.

These minutes are not official until approved at a subsequent meeting.

Members Present: Denise Menard, Alan Baker, Dale Nelson, Richard P. Pippin, and James C. Richards
Members Absent: None
Others: James Barton, Kathleen Pippin, Paulette Broder, Gilbert Hayes, Rand Stanley, Laurie Whitten, Ginney Powers, Cathy Simonelli, Carol Madore, Dan Burnham, Jay Ussery, and many, many others
Press: L. Smith (Patch.com) and C. Gauffman (Journal Inquirer)

I. Call to Order

First Selectwoman Denise Menard called the Regular Meeting to Order at 7:02 p.m., in the East Windsor Town Hall.

II. Attendance

Denise Menard, First Selectwoman
Alan Baker, Deputy First Selectman
Dale Nelson, Selectwoman
Richard P. Pippin, Jr., Selectman
James C. Richards, Selectman

III. Added Agenda Item

It was **MOVED** (Pippin) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen adds an agenda item, Section VII. Board and Commission Resignations and Appointments, Subparagraph C., No. 2. Candidate to fill vacancy – Zoning Board of Appeals to Expire November 19, 2013 to reflect that this was an **Alternate** vacancy to be filled.

IV. Approval of Minutes

None.

V. Public Participation

None.

VI. Communications

None.

VII. Selectman's Reports

a. Denise Menard, First Selectwoman

Ms. Menard gave to all the Board Members her report dated May 1, 2012. In that report, she indicated that the line for the natural gas has been installed by the Public Works Department. The next step is Yankee Gas connecting the gas in the street. At that point, the contractor installing the generator will be able to complete the installation and testing of the Town Hall generator.

Ms. Menard mentioned that the fiscal year is coming to an end in about two months time. Departments are scrutinizing their budgets to see which budget lines are out of sync with the budget projections of last July. More transfers from now until July and August will occur to cover any overages in particular lines.

A public hearing was recently held for Phase III of the Prospect Hill Grant for next year. The only people that attended were two Selectmen, no Prospect Hill residents. Also, Len, Becky and Ed Alizobek have been meeting with the FEMA representative about reimbursement for the October storm expenses. The process is moving forward, but not as quickly as expected.

On Saturday, April 28, 2012, the Board of Education held a Strategic Planning Meeting with approximately 25-30 people to develop the Educational Strategic Plan for the next few years. It was a very enlightening meeting, to be continued on Saturday, May 5. She indicated she is very encouraged by some of the things that were discussed about the future of education in East Windsor.

The BMX equipment has been paved. Their next step is to work with the Park and Recreation Commission to meet requirements they may have.

On Saturday, April 28, 2012, Ms. Menard hosted a Girl Scout and a Brownie Troop at the Town Hall. The Troop Leader, Mrs. Lucey, did an excellent job of organizing a mock election of temporary Girl Scout Selectmen and a quick meeting was held. Great job Mrs. Lucey!

Board of Finance Members, Mr. Jason Bowsza, Mr. Joe Pellegrini, and Ms. Jerilyn Corso visited the Senior Center earlier today to answer any questions seniors might have about the upcoming budget. There were approximately 25 people that stayed after lunch to speak with the Board. It looked like the seniors that attended liked having the time with the Board.

Ms. Menard indicated she has received a very detailed report from the Director of Technology. They are making great strides with the Board of Education upgrades. As far as the Town side, it is not going that well. Recently there have been many serious issues that technical support from Whalley Computers has been needed. The Town's firewall was never extended beyond December, 2012 which has caused huge problems. The Treasurer's office server has crashed twice in the last couple of weeks jeopardizing payroll along with day to day things handled by that Department. The Assessor's office has also had limited access to programs that departments needs to day to day and revaluation work. Whalley Computers has begun getting things running more smoothly so that we can get things done while waiting for the update that is currently planned for next year.

Ms. Menard also gave a list of reminders to the Board including the First Budget Referendum, Fundraiser for the Trolley Museum, Community Day, Dog Park Spring Doggie Dip, Memorial Day Melrose Ceremony, Memorial Day Parade, and the General Meeting of Town Officials.

b. Alan Baker, Deputy First Selectman

Mr. Baker indicated he attended the American Heritage River Commission recent meeting. The Commission is on track of cleaning the Scantic Trail for the Connecticut Walk Day on June 2, 2012. Participation in the walk is usually very good. He reminded if anyone would like to volunteer during the cleanup days, please contact him or leave a message at the Town Hall.

He indicated that the American Legion is continuing to plan a "Welcome Home" event for veterans at the Community Day. A lot of work has been accomplished and it will be a great event for returning veterans.

Mr. Baker commented that he went to the recent Planning and Zoning Meeting and the Public Hearing regarding the rezoning of Route 140. The meeting was very quiet. He remarked a lot of work has been accomplished with the zoning regulations and it is a job well done. He also commented about the special use permits have increased.

c. Dale Nelson, Selectwoman

Ms. Nelson indicated that on April 19, 2012, she attended the Rotary Citizen of the Year Banquet. It was a very successful event. On April 21, 2012, the fundraiser "Walk for Abby" took place. It was a great event and approximately 500 people attended and participated. It was a very successful fundraiser!

She has also attended the first Strategic Planning Meeting of the Board of Education and plans on attending the second one on May 2, 2012. It was a very

interesting meeting and to have the school district becoming a leading in technology is remarkable.

Finally, last night she attended the Firemen's Volunteer Incentive Meeting. Currently, they have expended approximately \$130,000 of their \$180,000 budget and they believe they are either going to be right on target or a little under their budget for 2011-2012.

d. Richard P. Pippin, Selectman

Mr. Pippin indicated he attended the WPCA Meeting on April 25, 2012. A discussion of their budget was held. Their next meeting is scheduled for May 9, 2012. It was also discussed Prospect Hill Road assessment still needs to be completed. Legal questions regarding easements and public and private lands were discussed. The plant is at 37% capacity and it is business as usual.

Mr. Pippin discussed the recent Building Committee Meeting wherein the HVAC replacement for the Town Hall, door opener for the Ambulance, boiler removal at the Town Hall, and East Windsor Police Department generator gas pipe were all projects discussed.

e. James C. Richards, Selectman

Mr. Richards gave to all Board Members a copy of his report and attachments from the Board of Education Meeting regarding the accreditation status of the high school, which he thought the Selectmen would be interested in reading.

He spoke about the Economic Development Commission. He indicated that the Route 140 Property Stakeholders Meeting being scheduled for June with the help of Planimetrics. This is the same group that held a meeting to see what the Town thought be placed on Route 140. He commented on the Beautification of Business Program, which no responses have been received to date. CERC Listings for Commercial Properties, the EDC will be focusing on empty Warehouse Space in Industrial Park.

A discussion was held regarding the East Windsor per pupil ratio cost is vastly different than Ellington which is \$10,716 and East Windsor is \$14,647. The concern being that Business would be concerned about locating here. A request is being made from the EDC to the Board of Education for a breakdown of the cost per pupil.

Mr. Richards indicated that the Historical Preservation Commission Meeting is scheduled for Thursday, May 10, 2012 at 6:30 p.m. and the Housing Authority is

scheduled to meet on May 21, 2012 at 4:00 p.m. Parks and Recreation will be meeting on May 14, 2012 at 6:00 p.m.

VIII. Board and Commission Resignations and Appointments

a. Resignations: None

b. Re-Appointments: None

Conservation Commission

Jan Warren (U) 4-year term to expire May 1, 2016

It was **MOVED** (Pippin) and **SECONDED** (Nelson) and **PASSED** (U) that the Board of Selectmen approves the re-appointment of Ms. Jan Warren, (U), as a Regular Member to serve a 4 term expiring May 1, 2016.

Economic Development Commission

Eric Moffett (R), 4-year term to expire May 1, 2016

James Richards (R), 4-year term to expire May 1, 2016

It was **MOVED** (Baker) and **SECONDED** (Nelson) and **PASSED** (3-0)(J. Richards abstained) that the Board of Selectmen approves the re-appointments of Mr. Eric Moffett (R), as a Regular Member to serve a 4-term expiring May 1, 2016 and Mr. James Richards (R), as a Regular Member to serve a 4-term expiring May 1, 2016.

Elderly Commission

Catherine M. Drouin (D) 4-year term to expire April 1, 2016.

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen approves the re-appointment of Ms. Catherine M. Drouin (D), as a Regular Member to serve a 4 term expiring April 1, 2016.

c. New Appointments:

Zoning Board of Appeals

David Menard, (D), as an Alternate Member, a term to expire 11/19/2013

It was **MOVED** (Pippin) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen approves the appointment of Mr. David

Menard, (D), to the Zoning Board of Appeals as an Alternate Member, to serve a term expiring November 19, 2013.

d. Board and Commission Current Vacancy List

The list was given to all the Board Members for their review

IX. Unfinished Business

a. Discussion of Building Department Budget Transfer Request and Update Regarding the North Water Demolition Project, to include Rand Stanley, Building Official

Ms. Menard introduced Ms. Laurie Whitten, Town Planner, Mr. Rand Stanley, Building Official and Ms. Ginny Powers, Assistant to Mr. Rand Stanley to the Board. She indicated that after the last meeting, there were some questions the Board had wanted answered before they would entertain approving and/or disapproving the transfer request. Mr. Stanley addressed the Board indicating that the Building Department would like to submit a transfer to the part-time salary line to increase Ms. Linda Kehoe's part-time hours from 15 hours per week to 19 hours per week for the remainder of the fiscal year. The Building Department's work load necessitates the additional part-time hours. Permits have increased 24.38% over the last year. Mr. Pippin indicated that the office has to be very detailed and organized. The workload will be increasing with the big box retail project begins. There has been a considerable jump in revenues over the last fiscal year. Mr. Pippin and Mr. Stanley discussed the latest permits which have been applied for over the last fiscal year including Lincoln Tech and the new Walmart and the very detailed inspections which are needed for such projects. Ms. Whitten indicated due to the increase of permits, coverage in the office is becoming more critical. She indicated there are times that Mr. Stanley and Ms. Powers are out of the office and the part-time position is the only coverage in the office. The difficulty is the part-time position only works 15 hours a week and the workload is increasing. A question regarding coverage during vacation time, and it was reiterated that part-time positions are flexible. Ms. Nelson commented that if this is approved, what about the next fiscal year. Ms. Menard indicated the Department would have to come back to the Board and requested for the additional hours again. Mr. Stanley remarked the request would be based on need and his department has been increasing revenues. It was requested of Mr. Stanley if he could produce monthly report over the last three years to show the activity levels of the permit applications. Mr. Stanley indicated he would be able to do so. He did want to note that the Board must remember in the past 18 months or so, the Town experienced usual weather events. The aftermath from those weather events do not start effect the Building Department until usually 12 months post event due to the time it takes for the insurance companies to settle the claims. For

instance, since the October snowstorm, more generators have been purchased and installed than what is considered average or normal. Ms. Menard mentioned the roofs that were caving in after all the snow in February of 2011.

A brief discussion was held and Ms. Menard indicated the actual transfer of funds will be acted upon during the Budget Matters section of the meeting.

Ms. Menard asked Mr. Stanley if he could give an update on the demolition of North Water Street property. Mr. Stanley indicated he has been in touch with the State of Connecticut Health Department via email regarding the demolition project. The State of Connecticut will waive the 10 day period and the environmental consultant has indicated it can move forward. Ms. Menard commented that the bid opening is Thursday, May 10, 2012 at noon. She and Mr. Stanley will be opening the bids and everyone is welcome to attend. The Board of Selectmen will be awarding the bid to the contractors at the next meeting in two weeks. The town has been unsuccessful in any attempts in making contact with the owner. The attorney representing the owner has also tried. There will be about four dumpsters of debris. Mr. Stanley indicated that any structure with sheet rock, roofing, and cement prior to 1978 contains asbestos. He has spoken to Mr. Norton in shutting down the road while the demolition takes place and has spoken to the Police Department for towing the unregistered motor vehicle. A policy regarding demolition has been put into place for future reference.

It was **MOVED** (Pippin) and **SECONDED** (Baker) and **PASSED** (U) that the Board of Selectmen move Agenda Item No. XI. New Business a. Condominium Owners Request, b. Cemetery Association Request and c. Discussion of Request of Constables before continuing with IX. Unfinished Business.

XI. New Business

a. Condominium Owners Request

Ms. Menard introduced Mr. Ron Morey of 24 Skyline Road, Mr. Sal Saitta of 17 Old Barn Road and Mr. Claude Cloutier of 3 Steeple Chase Road to the Board. The gentlemen are members of the East Windsor Condo Unit Owners Association (EWCUOA). They have sent a request to the Board of Selection to appear before the Board to present their petitions and present the facts and history which is the basis of the petitions. The petitions outlined the EWCUOA position as it relates to the health and safety issues identified on behalf of the residents and visitors to being given to the Board include approximately 650 signatures from condo unit owners throughout the Town of East Windsor. In that petition, the condo residents are requesting relief from excessive taxation and/or billings for street lights, fire hydrants and servicing of pipelines and for street plowing in condo communities. As homeowners and taxpayers of the Town of East Windsor, they maintain that separate billing for these services is dual billing by the Town. These are services which other residents receive in payment of their property taxes. However, a

condominium community is required to pay additional fees annually, as a result in separate billing by the Connecticut Water Company, Connecticut Light and Power Company and independent contractors. There is only one established taxation rate in East Windsor for all residents. The formula for assessing taxes for each residence include town provided utilities and safety requirements. The condo association feels it is being double billed for these services and requests that the Town of East Windsor take action to relieve the excessive requirement.

Mr. Richards indicated he disagreed. He mentioned that when the condominium was built, the developer received a special permit from the Zoning Board regarding the roads. The land which the condominium complex is located is all considered private property. The records should be researched and it will show that this is the case.

All of the petitions were given to Ms. Menard by individual condo associations. Ms. Menard indicated she has received all of the petitions and she would deliver same to the Town Clerk's Office for confirmation of all the names listed. She indicated she would like to have some research regarding this issue and find out what surrounding towns have done in regards to this issue. The request of approximately payment from the Town of East Windsor of \$100,000 to compensation for such services is a lot of money to add to the budget. Before any type of decision is made, a lot more research would have to be completed. She indicated if the Board Members had any questions, this was the time to ask.

A lengthy discussion was held which included members from the audience whom are condo unit owners.

The discussion ended and Ms. Menard indicated more research would needed to be done before this request would be addressed.

Board Recessed at 8:23 p.m.

Board Reconvened at 8:32 p.m.

b. Cemetery Association Request

Ms. Menard introduced Mr. Dan Burnham, President of the East Windsor Cemetery Association and Mr. Jay Ussery of JR Russo and Associates to the Board. The purpose of their request is to trade a piece of the land owned by the Cemetery Association at the rear of the property adjacent to the Scantic Cemetery for a pie shaped piece of land, 35 feet on Cemetery Road by 168 feet deep, on the left side of the Scantic Cemetery. The piece of land on Cemetery Road would become the property of the Town of East Windsor as a part of the Scantic Cemetery. Drawings of the pieces of land done by Jay Ussery of JR Russo and Associates were given to the Board for their review. The East Windsor Cemetery Association will pay all costs occurring from the transaction to include JR Russo and reasonable attorney's fees. There will be no cost to the Town of

East Windsor for this land swap. The reason for the land swap is the present road situation at the cemetery. There is no room at the present to widen the road which allows for one way traffic only and the entrance is very narrow making it difficult to enter and exit.

A lengthy discussion was held. It was agreed that Mr. Burnham would go to the Inland/Wetland Commission and seek their approval. Once that has been accomplished, he is to return back to the Board of Selectmen to discuss this issue further.

c. Discussion of Request from Constable

Ms. Menard introduced Mr. Gilbert Hayes to the Board to discuss the request. At the onset of the discussion, Mr. Richard Pippin announced that he is abstaining from the discussion. Ms. Menard indicated that she has asked the Police Chief to do some research pursuant to statute as to what constables can and cannot do as their duties as constable. It has been noted that the Board is hesitant to give the constables Town IDs similar to Town ID town employees carry. Serving papers is inherently dangerous and the constable can be put in harms way. Giving the constables a Town ID similar to an employee's Town ID would possibly be an insurance issue.

Mr. Hayes addressed the Board. He indicated that Mr. James Barton, who happens to be a Marshall, carries an ID which is issued by the State of Connecticut. He is appointed by the State Commission and he is given a badge for identification. He is considered an independent contractor. The marshals who are hired by the State to work in courthouses and jails are state employees. Mr. Hayes indicated that he is not considered an employee of the Town but he could serve papers for the tax collector. He indicated in the past, Town IDs were given to constables. He had a copy of such an ID and gave a copy of the ID to all Board Members. He indicated it had the seal of the Town on it and it expired in 2011.

A lengthy discussion was held regarding the use and misuse of Town IDs. At the end of the long discussion, it was agreed that further research from other towns would have to be done before any further action can be taken.

It was **MOVED** (Baker) and **SECONDED** (Richard) and **PASSED** (U) that the Board of Selectmen returns back to order of Agenda Item No. IX. Unfinished Business, b. Update Regarding Request from the Veterans Commission.

b. Update regarding Request from the Veterans Commission

Ms. Menard introduced to the Board Mr. Jim Barton from the Veterans Commission. The Veterans Commission is seeking assistance from the Town of East Windsor Public Works Department to install and remove flags on the utility

poles in the center of Broad Brook and Warehouse Point. Ms. Menard indicated she has spoken with Mr. Len Norton regarding having the employees put the flags on the poles if a bucket truck was rented. The concern was if there is a problem with the truck and something should happen, the liability risks to the Town could be great. Ms. Menard called the insurance company and she has been told that the best way to avoid any type of liability issues is to rent a truck. She believes this is the best route to go and rent a truck to comply with the insurance company's suggestion. She believes that Mr. Scott Morgan and Mr. Jim Richards have been working together. Mr. Richards indicated that a contractor has been found out of Massachusetts who will put the flags up and take them down for \$300 per season. Mr. Pippin indicated that it is a risk to let town employees get into a bucket truck that the Town has not inspected for safety. Ms. Menard asked Mr. Richards if he had the information regarding that subcontractor. Mr. Richards indicated the information is with Mr. Morgan and he will get that information to her as soon as possible.

A lengthy discussion was held.

By consensus the Selectmen agreed to get the job done. It was agreed that the Town would pay \$300 for a bucket truck for the Spring and \$300 in November to take the flags down.

b. Discussion of Blight Ordinance

Ms. Menard indicated to the Board Members that in their packets are two additional ordinances from Vernon and South Windsor for their review. Ms. Menard commented that she would like the Selectmen to review the different ordinances and come to the next meeting with some ideas of how to revise the current ordinance. Mr. Baker commented he liked a few of the passages from the South Windsor Ordinance. Mr. Pippin suggested different ordinance regulations should be considered for different zoned properties, such as, commercial and agricultural. He also suggested keeping the ordinance simple and the possibility of having the ordinance reviewed every five or ten years and if not, the ordinance goes away. Ms. Menard suggested having either Ms. Newton or Chief of Police make the ordinance enforceable. Mr. Richards again reiterated the issue of unregistered motor vehicles, building decay and high grass of 12 – 24 inches high.

A brief discussion was held.

At the end of the discussion, it was decided that the Selectmen would review the ordinances and bring their suggestions to the next Board Meeting for further discussion. It was also decided that until they have the wording of the ordinance including types of blights, actions that can be taken by the Town, and who will enforce such actions at that time, the it will be reviewed by the Town Attorney.

c. Set Salaries for Part Time and Unaffiliated Employees

Not discussed at this meeting, but remains on the agenda pending receipt of additional information.

X. Budget Matters

a. Budget Transfers

Ms. Menard indicated the only transfer is the request coming from the Building Department. The explanation was discussed previously in this meeting. The transfer listed is from the building department. It is being requested that \$702.00 from Professional Services to salary part-time to increase Ms. Linda Kehoe's part-time hours from 15 to 19 hours per week for the remainder of the fiscal year. The building department's increased work load necessitates the additional part-time hours.

It was **MOVED** (Pippin) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen recommends to the Board of Finance the transfer of \$702.00 from Professional Services Building Department Account No.: 1-01-10-1125-3-330-0000-0 to Salary Part-Time Account No.: 1-01-10-1125-1-101-0000-0, and recommend to a Town Meeting, if necessary and approves the increase of hours of the part-time person from 15 hours per week to 19 hours per week only until the end of the fiscal year June 30, 2012.

A brief discussion was held regarding the end of the fiscal year and the possibilities of all the transfers to balance the lines.

b. Discussion 2012-2013 Budgets

The referendum is scheduled for May 8, 2012.

XI. New Business

d. Request from the Town Clerk to Amend the May 18, 2010 Board of Selectmen Meeting Minutes

Ms. Menard indicated that the Town Clerk is requesting that the May 18, 2010 Board of Selectmen Meeting Minutes be amended in connection with a Loan Resolution RUS Bulletin 1780-27 authorizing the loan with the USDA in the amount of \$2,180,000 and authorizing, Denise Menard, First Selectmen to sign related documents on behalf of the Town. The minutes have to be amended attaching the form of the authorizing loan resolution.

It was **MOVED** (Pippin) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen amend and clarify the minutes of the May 18, 2010 meeting to attach the form of the authorizing loan resolution as attached hereto and marked as Schedule A.

b. Approval and Adoption of DECD Resolution

It was **MOVED** (Nelson) and **SECONDED** (Pippin) and **PASSED** (U) that the Board of Selectmen approve and adopt the Department of Economic and Community Development, State of Connecticut, Certified Resolution of the Governing Body" as attached hereto and marked as Exhibit A.

f. Discussion of Board of Selectmen's Priorities

Ms. Menard indicated that at the last meeting she inquired with the Board Members to talk about goals that they would like to work on for the next 18 months. She gave to all Board Members a note which was entitled "Food for Thought" giving asking what the priorities of the Board Members were and would like to discuss this matter at a future meeting. She indicated if there are any ideas which the Board Members had, they could jot them down and either give to Jennifer or bring to the next Regular Meeting.

f. Tax Refunds

Ms. Menard discussed an Application for Refund request from the Tax Collector wherein Ms. Kimberly Lord, Tax Collector is requesting under Connecticut General Statutes Section 12-129 a refund from the Town of East Windsor in the amount of \$34.52 dated April 19, 2012.

It was **MOVED** (Pippin) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen approves the tax refunds in the amount of \$34.52 pursuant to the tax collector's request dated April 19, 2012.

XII. Executive Session (pursuant to Connecticut General Statutes Section 1-200(6) Litigation (b))

It was **MOVED** (Nelson) and **SECONDED** (Pippin) **PASSED** (U) that the Board of Selectmen enters into Executive Session to conduct a hearing and to preserve the confidentiality of records.

The Board entered into Executive Session at 10:06 p.m.

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen terminates Executive Session enters into Public Session at 10:18 p.m.

XIII. Adjournment

It was **MOVED** (Nelson) and **SECONDED** (Richards) and **PASSED** (U) that the Board of Selectmen adjourns the May 1, 2012 Regular Meeting at 10:20 p.m.

Respectfully Submitted,

Denise M. Piotrowicz
Recording Secretary

SCHEDULE A

RUS BULLETIN 1780-27
(Automated 8-97)

Position 5

FORM APPROVED
OMB. No. 0575-0015

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Board of Selectmen

OF THE EAST WINDSOR, Town of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the EAST WINDSOR, Town of
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

TWO MILLION ONE HUNDRED EIGHTY THOUSAND AND XX / 100 DOLLARS (2,180,000.00)

pursuant to the provisions of Connecticut General Statutes; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

SCHEDULE A CONTINUED

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11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 1,707,000

under the terms offered by the Government; that First Selectman
and _____ of the Association are hereby authorized and empowered to take all action
necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such
grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the Board of Selectmen of the
EAST WINDSOR, Town of has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____ day of _____,

(SEAL) (if applicable)

Attest:

Marlene A. Bauer

Title

MARLENE A. BAUER
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 31, 2014

EAST WINDSOR, Town of

By

Denise Menard

Title

First Selectman

EXHIBIT A

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE OF CONNECTICUT
(AN EQUAL OPPORTUNITY EMPLOYER)
CERTIFIED RESOLUTION OF THE GOVERNING BODY

I, _____, _____, certify that below is a true and correct copy of a
(Name of Official) (Title of Official)

resolution duly adopted by _____
(Name of the Municipality)

at a meeting of its _____
(Governing Body)

duly convened on _____ 5/1/12 _____ and which has not been rescinded or modified in
(Meeting Date)

any way whatsoever and is at present in full force and effect.

(Date)

(Signature and Title of Official)

SEAL

WHEREAS, federal monies are available under the Title I of the Housing and Community Development Act of 1974, 42 U.S.C § 5301, et. seq., as amended, also known as Public Law 93-383, and administered by the State of Connecticut, Department of Economic and Community Development as the Connecticut Small Cities Development Block Grant Program; and

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of the State of Connecticut Department of Economic and Community Development is authorized disburse such federal monies to local municipalities; and

WHEREAS, it is desirable and in the public interest
that the _____ Town of East Windsor _____ make an application to the State for
(Municipality)

\$400,000 in order to undertake and carryout a Small Cities Community Development Program and to execute an Assistance Agreement.

EXHIBIT A CONTINUED

NOW, THEREFORE, BE IT RESOLVED BY THE

Board of Selectmen

(Governing Body)

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by
Part VI of Chapter 130 of the CGS
(State Statutory Reference)

2. That the filing of an application for State financial assistance by

Town of East Windsor

(Municipality)

in an amount not to exceed \$400,000 is hereby approved and that

First Selectman, Denise Menard

(Title and Name of Authorized Official)

is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, to carryout approved activities and to act as the authorized representative of

Town of East Windsor

(Municipality)